

IFW

### Certificate of Mailing 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name of Person Signing Certificate: Holly Tuynman

Date 9-14-2004

Signature Holly Tuynman

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: James B Sullivan, et al

§  
§  
§  
§  
§  
§  
§  
§  
§

Conf. No.: 8412

Group Art Unit: 3627

Appln. No.: 10/754,427

Examiner: Not Yet Assigned

Filed: January 9, 2004

Attorney Docket No.: H014466.0047US0

Title: Method and System for Performing a Retail Transaction Using a Wireless Device

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

Enclosed are copies of each of the documents listed on the attached Information Disclosure Citation Form 1449A/PTO, which may be material to the patentability of this application and/or for which there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Information Disclosure Statement shall not be construed as an admission that any of the listed documents constitutes prior art, nor as an admission against interest in any manner.

No fee is believed to be due in connection with the filing of this Information Disclosure Statement since it is being filed before the mailing date of the first Office Action on the merits. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 16-2435.

It is respectfully requested that this Information Disclosure Statement and the documents listed on the attached Form 1449A/PTO be considered and acknowledged by the

Examiner in connection with the above-identified patent application, be made of record therein, and that the listed document(s) be cited in the issued patent.

9/14/2004  
(Date)

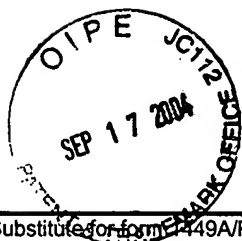
Respectfully submitted,



Richard A. Schafer  
Attorney/Agent for Applicant(s)  
Registration No. 45,078  
Direct Dial: 713-220-8184  
E-Mail: rschafer@akingump.com

Akin Gump Strauss Hauer & Feld LLP  
1111 Louisiana Street  
44th Floor  
Houston, TX 77002  
Telephone No.: 713-220-5800  
Fax No.: 713-236-0822

Enclosures



Substitute for form PTO/A49A/PTO		<b>Complete if Known</b>			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Application Number</b>	10/754,427		
		<b>Filing Date</b>	January 9, 2004		
		<b>First Named Inventor</b>	James B. Sullivan		
		<b>Group Art Unit</b>	3627		
		<b>Examiner Name</b>	Not Yet Assigned		
<b>Sheet</b>	1	<b>of</b>	1	<b>Attorney Docket Number</b>	H014466.0047US0

U.S. PATENT DOCUMENTS				
Examiner Initials	U.S. Patent Document		Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	Number	Kind Code (if known)		
	5,991,749		Morrill, Jr.	11-23-1999
	6,195,541	B1	Griffith	2-27-2001
	6,195,542	B1	Griffith	2-27-2001
	6,356,752	B1	Griffith	3-12-2002
	2002/0116329	A1	Serbetcioglu et al.	8-22-2002
	2002/0147913	A1	Lun Yip	10-10-2002
	2002/0181710	A1	Adam et al.	12-5-2002
	2003/0014357	A1	Chrisekos et al.	1-16-2003
	6,535,726	B1	Johnson	3-18-2003

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Foreign Patent Document			Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T
	Country Code	Number	Kind Code (if known)			
	GB	1,544,542		Societe Anonyme Francaise des Appareils Automatiques SAFAA	4-19-1979	

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T
	A	"Hypercom and Wirca Bank on Mobile Payments at the POS," CARD NEWS, 6/27/2002, 2 pages, Phillips Business Information, Inc.		
	B	"POS Payments Using Cell Phones Take On A Slow Midwestern Approach," ATM & DEBIT NEWS, 1/23/2003, 2 pages, Thomson Financial.		
	C	"BP, Nedap, and KPN Mobile have an international first," <a href="http://www.nedapmobilepay.com/html/news/news/news10.php3">http://www.nedapmobilepay.com/html/news/news/news10.php3</a> , 10/19/2001, 2 pages.		
	D	THE ASSOCIATED PRESS, "Sony, Carrier Join on 'Smart Card' Phones," 10/27/2003, 3 pages, New York Times		

<b>Examiner Signature</b>		<b>Date Considered</b>	
-------------------------------	--	----------------------------	--